C.S. 1052 (3) (1)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION NO. 2158 /2004

PETITIONER

Ramesh Pradhan, aged about 41 years, son of Shri Peel Lal Pradhan, Sarpanch Gram Panchayat – Nawapara (B), resident of Nawapara, Vikas Khand – Pusaur, Tah. And Distt. Raigarh (Chhattisgarh)

20/5/04
Presented by Shri S.D. Sharma
14-5-04
W.A. No. ... d/...d ...

VERSUS

RESPONDENTS

1. The Director Panchayat, Raipur (Chhattisgarh)

2. The Collector, Distt. Raigarh, Chhattisgarh.

3. The State of Chhattisgarh, through : the Secretary, Department of Panchayat, D.K.S. Bhawan, Mantralay, Raipur (Chhattisgarh)

शपथ आयुक्त
एस.के शुक्ला
बिलासपुर (छ.ग.)
13/5/04
तहसील कोर्ट

RECEIVED COPY
13/5/04
Clerk to A.G. Bilaspur

WRIT PETITION UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN THE NATURE OF CERTIORARI, MANDAMUS ETC. AND FOR APPROPRIATE FURTHER ORDER / ORDERS, DIRECTION OR DIRECTIONS.

MAY IT BE PLEASE TO YOUR LORDSHIP

01) PARTICULARS ABOUT THE PETITIONER:

As shown above in the cause title.

2) PARTICULARS OF THE RESPONDENTS"

As per the cause title.

XI-HC-22

(32)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ...WP/2158/04... सन् 200

.....विरुद्ध.....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

29-7-2004

Shri M. D. Sharma, counsel for the petitioner.

Shri Prashant Mishra, Additional Advocate General with Shri Sumesh Bajaj, Deputy Govt. Advocate for the State/respondents.

The petitioner has preferred this petition under Articles 226/227 of the Constitution of India questioning the order dated 6-7-2004 passed by the Director, Panchayat, Raipur, whereby the learned Director, Panchayat vacated the stay granted by him on 5-5-2004 in case No.110-A/89/2003-04 filed against the order of the Collector dated 22nd April 2004 declaring the petitioner ineligible to continue on the post of Sarpanch on account of violation of the provisions of Section 36 (1)(m) of the Chhattisgarh Panchayat Raj Adhiniyam for giving birth to fourth child after 26-1-2001.

I have heard the learned counsel for the parties.

Learned counsel for the petitioner submits that for no fault of the petitioner, the petitioner has been declared ineligible to continue on the post of Sarpanch. Even though, wife of the petitioner underwent family planning operation in the month of April 2002, she became pregnant and gave birth to fourth child. In the circumstances, the learned Director ought not to have vacated the stay.

Having heard the learned counsel for the parties and having regard to the facts and circumstances of the case, I am of the opinion

(33)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP 2158/04 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

that if the Director, Panchayat is directed to dispose of the appeal itself within a period of one month from today, that will meet ends of justice to which the leaned counsel for respondents has no objection. It is, therefore, directed that the Director, Panchayat shall dispose of the appeal itself within a period of one month from today.

With the above direction, the petition stands disposed of.

Consequently, M.(W.)P. No 1931/2004 and I.A. No.4980/2004 also stand disposed of.

Parties are entitled for certified copy of this order.

Sd/-
L.C.BHADOO
Judge